IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION
Dated: Nainital: the 23rd day of February 2005
Bail Application no. 163 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Sushil S/o Mamchand
R/o Village Shahpur
Police Station Deoband
District Saharanpur (U.P.) … Applicant

Versus

State of Uttaranchal …Opposite Party

Arising out of Case Crime No. 68 of 2004
Under Section 302 of I.P.C.
Police Station Gangneher
District Haridwar

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 68 of 2004 under Section 302 I.P.C. Police Station Gangneher, District Haridwar.

Heard Sri Manish Arora learned counsel for the applicant, learned A.G.A. and perused the record.

The case rests on circumstantial evidence and the only evidence against the applicant is the extra judicial confession.

Another evidence which has been produced by the prosecution is that of recovery of country made pistol on the pointing out of the accused/applicant. As far as the recovery of country made pistol is concerned, the same is not inspire confidence at this stage, as the recovery is alleged to have been made after two months of the occurrence.

Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant Sushil be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. Haridwar.

(B.C. Kandpal, J.)

23.02.2005
ASWAL